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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1391st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 March 2000, at 3 p.m.

Chairman: Mr. SHERIFIS

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1391/Add.1.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-41152 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Initial, second, third, fourth and fifth periodic reports of Bahrain (continued) (CERD/C/353/Add.1/Rev.1)

1. At the invitation of the Chairman, the members of the delegation of Bahrain resumed their places at the Committee table.

2. Mr. ATTIAT ALLAH AL-KHALIFA (Bahrain), after noting the many positive aspects highlighted by the Country Rapporteur with respect to Bahrain's report, said he would endeavour to answer all the queries raised by the Committee. He was pleased to announce that by an Amiral Decree dated 15 March 2000, the Government of Bahrain had ratified the proposed amendment to article 8 of the Convention. The question of making the declaration under article 14 of the Convention would be brought to the attention of the appropriate State bodies through the normal channels. Bahrain's accession to other human rights instruments was a matter which attracted considerable publicity and was of great importance to the Government of Bahrain. Clearly it would take some time before any progress in the area could be seen on account of the lengthy procedures involved.

3. With regard to allegations of human rights violations reported by some non-governmental organizations (NGOs), he stressed that the Government gave due consideration to the many complaints received through the Office of the High Commissioner for Human Rights in Geneva. Most of the complaints were submitted by associations whose main objective was to cause political and social unrest in the country.

4. Both State and civil bodies attached great importance to the status of women in society; many women already held high-ranking posts in the Government and the diplomatic services and more opportunities for them were likely to be opened up in the future. It was possible for women to stand for election in government and local elections. Women also played an important role in the national economy.

5. Although Islam was the State religion in Bahrain, the Government made no distinction between citizens on the grounds of race or religious belief and Bahrain's legal framework guaranteed the basic rights of all citizens without any discrimination.

6. Employees in both the public and private sectors were recruited on the basis of past performance, qualifications and experience, that also applied to the State-run education system.

7. In 1999 several human rights NGOs had sent delegations to Bahrain, including Amnesty International and the Arab Organization for Human Rights. In October 1996 Bahrain had signed a cooperation agreement with the International Committee of the Red Cross, whose representatives frequently visited the country.

8. There were no stateless persons in Bahrain. Practical measures had been taken to grant nationality to the many people who deserved it, through the relevant legal procedures, as was borne out by a statement by the Amir of Bahrain on the subject.

9. Bahraini nationals showed due respect for people of different nationalities working in their country and appreciated the efforts of those who effectively supported the national economy. Foreign domestic staff were ensured the necessary legal protection in the criminal and civil courts. The very few cases of alleged discrimination, notably against women in that category of employees, were dealt with as individual complaints under the relevant legal procedures.

10. In response to comments regarding article 4 of the Convention, he would stress that following a review of its legislation, the Bahrain Government had made provision for all the principles enshrined in that article of the Convention.

11. In conclusion, he thanked the Committee members for a very constructive dialogue, acknowledging their efforts to uphold human rights. He looked forward to meeting them again for the consideration of subsequent periodic reports.

12. Mr. VALENCIA RODRIGUEZ (Country Rapporteur), after thanking the delegation of Bahrain for its replies to the Committee's comments and queries, said he wished to highlight a number of issues that should be taken into account in Bahrain's next periodic report. First and foremost more information should be provided on the composition of the population of Bahrain, with a detailed breakdown according to ethnic origin. Bahrain's legislation also needed to be reviewed to bring it fully into line with the provisions of article 4 of the Convention. With respect to articles 5 and 6, references to the specific provisions of the Constitution would not suffice; details of the practical implementation of those constitutional provisions were also required.

13. More information was needed on the following: the composition, activities and achievements of the newly established human rights committee; associations and clubs set up for foreigners; language teaching in State-run schools for the foreign communities living in Bahrain, and the activities of national and international NGOs active in the country.

14. The Committee should also be kept informed of developments with regard to the amendment to article 8 of the Convention. The Bahraini Government was to be commended for considering the possibility of making the declaration under article 14 of the Convention, since it was entirely at the discretion of States parties. He thanked the delegation for information provided in connection with alleged human rights violations and on the status of women, which had enriched the dialogue. All Committee members had noted with particular satisfaction the State party's flourishing economy, and progress made in the areas of education, culture, employment and health for all.

15. Referring to the point of order raised by Mr. Aboul-Nasr during the previous meeting, he said that in his capacity as Country Rapporteur he had received extensive background information on the State party and, on that basis, had identified a few key issues which, in his view, pertained to racial discrimination and thus fell within the scope of the Convention. He

maintained that some aspects of religion and women's rights were relevant to the Committee's work, particularly in the light of the amendments to its general guidelines regarding the form and contents of reports to be submitted by States parties under article 9 of the Convention. Moreover, he had stated quite clearly that since it was Bahrain's initial report it was important that the Committee be provided with an overview of the human rights situation in the country. Had Mr. Aboul-Nasr studied all the background material available, he might well have drawn the same conclusions and raised the same points.

16. The CHAIRMAN thanked the Country Rapporteur for his analysis of Bahrain's initial to fifth reports. He did not wish the debate on the role of country rapporteurs to be reopened during the current meeting. The Committee had already discussed such matters and had drawn its conclusions. There was general agreement that Committee members should identify their sources of information and abide by the terms of reference laid down in the Convention. Any Committee member who wished to discuss the matter further should do so under a different agenda item at the appropriate time.

17. On behalf of the Committee, he conveyed his thanks to the delegation of Bahrain for the presentation of its reports. Later in the session the Committee would be drafting its concluding observations, which reflected the Committee's collective opinion on the situation vis-à-vis the State party and would include recommendations that should be taken into account in the next periodic report. He looked forward to continuing the dialogue with the Government of Bahrain on a more regular basis in the future, in accordance with article 9 of the Convention.

18. The delegation of Bahrain withdrew.

The meeting was suspended at 3.50 p.m. and resumed at 3.55 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Draft general recommendation on gender-related dimensions of racial discrimination (continued) (CERD/C/56/Misc.21/Rev.2)

19. Ms. McDOUGALL, introducing the draft general recommendation, said that it had been revised in the light of comments made during discussion at an earlier meeting and subsequently submitted by Committee members. She drew attention to three minor editorial amendments required in paragraphs 1, 3 and 6. Subject to those amendments, the revised text should reflect the consensus of the Committee.

20. Mr. ABOUL-NASR said he feared the Committee might appear a little presumptuous if it issued a general recommendation, and that a simple statement might be preferable. In addition, he felt it was important to make clear in the text that the Committee was concerned about the issue of gender specifically as it related to racial discrimination. If adopted as a general recommendation, the document might give rise to some confusion on the part of States, which would not necessarily understand why the Committee was paying special attention to gender issues, a subject not directly linked to its mandate. Why, for instance, would the Committee issue a general recommendation on the gender-related dimensions of racial discrimination, and not on the family-related dimensions, or the plight of children, or the elderly?

21. The CHAIRMAN asked Ms. McDougall if she would agree to change the document from a general recommendation to a statement by the Committee.

22. Ms. McDOUGALL said she felt it was important to maintain the document as a general recommendation.

Paragraph 1

23. Paragraph 1 was adopted.

Paragraph 2

24. Mr. DIACONU felt paragraph 2 was excessively long. He proposed that the sentence which began with "In some societies ..." should be deleted, as it had no direct connection with racial discrimination, and that the last sentence should end after the word "restraints". The rest of that sentence enumerated issues of concern which arose in many societies, without necessarily being related to racial discrimination. Furthermore, the last sentence referred to a lack of access to remedies. Most of the examples given did not constitute remedies per se, but human rights.

25. Ms. McDOUGALL felt that it was important to maintain both passages. The first gave concrete examples and reflected the harsh reality of many women who had been subjected to race-related rape, for example in Bosnia and Kosovo. Although rape was perpetrated on both men and women, women had to live with more dire consequences, not only in terms of possible pregnancy but also insofar as their social status was affected for years to come. The list at the end of the paragraph was important not in that it identified issues inherent to racial discrimination, but because it pointed to the fact that women of certain racial groups faced consequences which were different from those faced by the men of the same racial groups. The men often had fewer restraints or inabilities in pursuing remedies to discrimination.

26. The CHAIRMAN noted that there were already seven speakers who had requested the floor to speak on paragraph 2, and said that it would be desirable for the Committee to adopt the general recommendation from a position of consensus. Although the sponsor of the text might consider that the document would be better with certain passages maintained, he called on her to show a spirit of compromise by taking into account the viewpoints of other members, provided of course they did not undermine the text, so as to ensure that the document would enjoy the support of the entire Committee. That would be in the interests not only of the Committee, but also of the weight given to the general recommendation.

27. Ms. McDOUGALL said that she would like to hear the opinions of the Committee members with regard to the amendments proposed by Mr. Diaconu.

28. Mr. SHAHI said that the first line should be maintained. The fact that women who had been sexually abused were considered unfit for marriage and were ostracized was a real problem in conservative societies. As for the last line of the paragraph, although Mr. Diaconu might have been technically correct, personally he had no strong opinion on the matter, and would go along with the consensus.

29. Ms. JANUARY-BARDILL felt the text should be maintained. By giving concrete examples, the document would be useful for those Governments which had no clear idea of how to recognize racial discrimination from a gender perspective. In general, it was important for the men who sat on the Committee to think about gender as not being restricted to issues involving women. Gender issues involved both sexes, and the gender-related dimensions of racial discrimination could also be a useful tool, for instance, in examining why black men, who were subjected to immense racial discrimination, were the subject of criminalization. That was as much a gender issue as rape.

30. Mr. ABOUL-NASR felt that paragraph 2 was superfluous and added nothing to the methods of work of the Committee. Whenever a problem of the kind to which it referred arose, the Committee brought that problem up in its work, to the extent that it concerned racial discrimination. The Committee appeared to be adopting a general recommendation with the sole aim of satisfying another treaty body. In addition, he failed to see any actual recommendation in paragraph 2. In fact, the only paragraph which contained a recommendation was paragraph 6. Surely the text would be better off as a statement of the Committee.

31. Mr. YUTZIS said that the text addressed the problem of double discrimination, which was of concern to the United Nations in general and the human rights bodies in particular. The inclusion of the examples was not objectionable. Nearly all of them figured in article 5 of the Convention. As for the assertion that the paragraph was too long, he pointed out that General Recommendation XXI on self-determination included long paragraphs, which provided explanations for the benefit of the Committee and the States parties. The text should be adopted as initially proposed by its sponsor.

32. Mr. RECHETOV said that Ms. McDougall had convinced him of the necessity for the document to be adopted specifically as a general recommendation. At the same time, the Committee must act with caution and wisdom. By adopting such a document it was entering the realm of the clash of civilizations. Those who worked with the Committee on the Rights of the Child knew full well about the heated arguments which arose from such a clash. Clearly, the general recommendation before the Committee, unlike others which had been adopted exclusively in the field of racial discrimination, would be the subject of attention and even criticism on the part of others. The Committee was entering a field of competence of other bodies, and in particular the Committee on the Elimination of Discrimination against Women (CEDAW). In addition, the Committee must be particularly careful to avoid any wording which might be used by male chauvinists to justify gender discrimination by calling it a form of racial discrimination.

33. Regarding the proposals put forward by Mr. Diaconu, the sentence beginning with "In some societies ..." should be left in the text, as it covered a problem which was very serious. The examples given at the end of the paragraph should be deleted, however, because of the risk that they might be used by male chauvinists.

34. Mr. BRYDE was against the text being amended as proposed by Mr. Diaconu. He had looked at some of the Committee's other general recommendations and found that it was common for them to conclude with a single paragraph containing the substantive recommendation, following paragraphs containing explanatory text. If Mr. Diaconu's main

concern was that the paragraph was too long, then the Committee might consider shortening it by deleting the passage from "as the result of racial bias-motivated rape" to "and social ostracism", and replacing it with "and in some societies ostracism as a result of race-biased rape". Similarly, he suggested that the final passage of the paragraph might be shortened to read "such as gender-bias in the legal system and discrimination against women in private spheres of life".

35. Mr. de GOUTTES said that the passages should be maintained in full, as they provided explanations concerning the phenomenon of double discrimination. While the clash of civilizations was a real concern and the Committee members had to bear in mind that women's rights, like children's rights, were not the same in different legal systems, a consensus should be found to condemn discrimination against women when their rights were violated not only because of their gender, but also because of their race or ethnicity. Such situations were particularly grave.

36. Mrs. ZOU Deci felt that the text should be adopted as a general recommendation. Although paragraph 2 was somewhat long, it was a very important paragraph, since some explanation of gender-related racial discrimination was required. The contention by Mr. Diaconu that the last part of the paragraph had nothing to do with the sentence's main clause was unfounded. While the list of examples that he proposed to delete did not all relate to remedies, they were all connected with complaint mechanisms, which were also mentioned in that sentence. The paragraph should stand as originally proposed.

37. Mr. PILLAI noted that the first two sentences of paragraph 2 spoke of the same aspects of racial discrimination, and suggested that they should be consolidated and combined. He proposed wording to that effect. He also thought that the sentence beginning with "In some societies ..." could be deleted, as it made no specific reference to racial discrimination. Lastly, he suggested that the word "redressal" should be inserted between "complaint" and "mechanisms" and that the word "restraints" should be replaced by "impediments".

38. Ms. McDOUGALL, responding to the question from Mr. Aboul-Nasr, said that in paragraph 6 the Committee was in fact recommending to States parties that they enhance and particularize their way of thinking when examining questions dealing with racial discrimination. The language used was similar to that of the Committee's General Recommendation XXIII dealing with indigenous peoples, which also called on States parties to develop more refined criteria to identify the victims of racial discrimination in their society.

39. She had consulted the Committee on the Elimination of Discrimination against Women (CEDAW) and the Human Rights Committee and both committees had indicated that they were also considering general recommendations on the same topic and that a general recommendation of the Committee on the Elimination of Racial Discrimination would complement their work.

40. With regard to the question of male chauvinism, she said that unfortunately virtually anything could serve as a pretext for male chauvinism. The Committee's duty was however to confine itself to the framework of the Convention and develop instruments which would ensure a more authoritative interpretation thereof. As for the question of clashes of civilizations, she

noted that the impediments which Mr. Pillai had referred to were widespread, even in societies where women had theoretically been emancipated, since gender bias continued within existing legal systems, preventing women from enjoying equal rights with men.

41. Mr. ABOUL-NASR requested clarification on the meaning of "private spheres of life" and also felt that references to coerced sterilization should include not only indigenous women but also indigenous men.

42. Ms. McDOUGALL said that "private spheres of life" implied anything outside the public domain, i.e. the home and the family. She had mentioned indigenous women because there had been specific examples of such practices. She would, however, be prepared to replace "indigenous women" with "men and women in specific racial groups"; she was also prepared to accept the amendments proposed by Mr. Bryde and Mr. Pillai.

43. Paragraph 2, in its amended version, was adopted.

Paragraph 3

44. Mr. ABOUL-NASR, wondered whether references to gender meant men and women or some broader definition which might include sexual orientation.

45. Ms. JANUARY-BARDILL, supported by Mr. YUTZIS, said that in her experience with the United Nations, references to gender quite clearly meant men and women, and did not include sexual orientation.

46. Mr. PILLAI said that it might be useful to insert "and United Nations bodies" after "the States Parties" in line 4.

47. Mr. RECHETOV said that since the Committee was making a general recommendation, it should be wary of the notion of gender. It was possible to discuss discrimination issues without stressing gender, since in the future a definition might be developed which could pose difficulties in the interpretation of the Committee's recommendations.

48. Ms. McDOUGALL pointed out that gender issues were being integrated into all aspects of the work of the United Nations.

49. Mr. ABOUL-NASR reiterated that no specific definition of gender had been accepted by Member States as yet and the Committee should therefore be clear that the notion of gender, with regard to its work, referred to men and women.

50. Ms. McDOUGALL agreed that references to gender in the general recommendation and in the work of the Committee referred only to men and women.

51. The CHAIRMAN recalled that the only amendment to paragraph 3 had been the removal of the word "any" in line 2.

52. Paragraph 3, as orally revised, was adopted.

Paragraph 4

53. Mr. BOSSUYT, supported by Mr. DIACONU, said that paragraph 4 should contain some reference to the theme of racial discrimination, and suggested that in line 1, after "the Committee", the words "when examining forms of racial discrimination" should be inserted.

54. Mrs. ZOU Deci and Mr. ABOUL-NASR wondered what exactly the term "gender-inclusive language" in line 2 of paragraph 4 meant.

55. Ms. McDOUGALL said that "gender-inclusive language" would involve, where appropriate, saying things such as he/she, and making it clear that the Committee was addressing issues relevant to both men and women.

56. Mrs. ZOU Deci believed that attempting constantly to use gender-inclusive language seemed excessively complicated and she did not feel it was advisable to appear to give women's issues priority.

57. Mr. de GOUTTES pointed out that the French version of human rights, "droits de l'homme", was the term which had been used in 1789 in the Declaration of the Rights of Man and of Citizens and, in the various instruments dealing with human rights. Although it would of course be difficult to modify all the relevant texts, it was currently generally accepted that a more correct translation of human rights would be "droits de la personne humaine".

58. Mr. FALL suggested that in line 2 of paragraph 4, the word "utilize" might be replaced by the word "encourage".

59. Ms. McDOUGALL accepted the amendments proposed by Mr. Bossuyt and Mr. Fall.

60. Paragraph 4, as amended, was adopted.

Paragraph 5

61. Mr. DIACONU suggested rewording the last part of the introduction to paragraph 5 to read: "... the Committee will include in its sessional working methods an analysis of the relationship between"; the enumeration that followed would remain unchanged.

62. Mr. ABOUL-NASR wondered whether the Committee was not already covering the content of paragraph 5 when it considered the reports of States parties under article 5 of the Convention. What did paragraph 5 add to the Committee's working methods?

63. Mr. YUTZIS suggested rewording paragraph 5 (a) to read: "the nature and scope of racial discrimination".

64. Mr. de GOUTTES thought that Mr. Diaconu's suggestion could be improved by rephrasing the last part of the introductory sentence to read: "... an analysis of the relation between gender and racial discrimination by giving particular consideration to"; the enumeration that followed would remain as it stood.

65. Mr. DIACONU said that he had no objection to the proposal by Mr. de Gouttes, although he did not think that it differed from his own suggestion.

66. Mr. RECHETOV proposed rewording paragraph 5 (a) to read: "the form and manifestation of racial discrimination".

67. Ms. McDOUGALL said that she had no objection to the proposals made by Mr. Diaconu and Mr. de Gouttes for the fist three lines and that she preferred Mr. Rechetov's suggestion for paragraph 5 (a). Accordingly, the end of the first part of the paragraph would read: "... an analysis of the relationship between gender and racial discrimination by giving particular consideration to". Paragraph 5 (a) would read: "the form and manifestation of racial discrimination". Paragraph 5 (b), (c) and (d) remained unchanged.

68. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adopt paragraph 5, as amended.

69. Paragraph 5, as amended, was adopted.

Paragraph 6

70. Mr. RECHETOV noted that the word "ethnicity" appeared for the first time in paragraph 6 and was inconsistent with the term used in paragraph 3, namely "ethnic origin".

71. Mr. BOSSUYT suggested changing "ethnicity" in paragraph 6 to "ethnic origin".

72. Mr. DIACONU suggested that the words "ethnic groupings" should be replaced by "ethnic groups" to reflect the wording to the Convention.

73. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adopt paragraph 6, as amended.

74. Paragraph 6, as amended, was adopted.

75. The CHAIRMAN said he took it that the Committee wished to adopt the draft general recommendation on gender-related dimensions of racial discrimination (CERD/C/56/Misc.21/Rev.2), as amended, as a whole.

76. The draft general recommendation on gender-related dimensions of racial discrimination (CERD/C/56/Misc.21/ Rev.2), as amended, was adopted as a whole by consensus without a vote.

The public part of the meeting rose at 5.30 p.m.

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1392nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 March 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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ORGANIZATIONAL AND OTHER MATTERS (continued)

Venue for the sessions of the Committee in 2001 (continued)

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GE.00-41144 (EXT)

The meeting was called to order at 10.15 a.m.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 12) (continued)

Composition of the contact group on preparations for the World Conference (continued)

1. The CHAIRMAN invited the Committee to continue the exchange of views begun at its 1386th meeting (CERD/C/SR.1386, paras. 28, 31 and 34) on the composition of the contact group which the Committee had set up on 18 March 1998 to collect information on preparations for the World Conference, make suggestions as to what contribution the Committee could make to that process and represent the Committee at the meeting of the sessional open-ended working group created with a view to making and reviewing proposals on preparations for the Conference. The contact group was composed of Mr. Garvalov, Ms. McDougall and Mr. Yutzis.

2. The Committee was asked to designate one of its members to replace Mr. Garvalov, who was no longer a member of the Committee in the contact group. After the retirement of Mr. Garvalov, the Chairman at the time, Mr. Aboul-Nasr, had held informal consultations within the Committee with a view to filling that position by consensus. Given the large number of candidates, however, those efforts had not been successful.

3. After taking office, the Chairman, with the agreement of the Committee, had requested Mr. Valencia Rodriguez and the two Vice-Chairmen of the Committee to continue the informal consultations initiated by Mr. Aboul-Nasr. He invited Mr. Valencia Rodriguez to keep Committee members informed of the results of those consultations and, if necessary, recommend a procedure for naming the third member of the contract group.

4. Mr. VALENCIA RODRIGUEZ said that his consultations with most of the members of the Committee had not succeeded in achieving a consensus on the composition of the contact group nor on its coordinator. Some experts wished to keep the number of members of the contact group at three, while others wished to increase it to four. If the latter solution were adopted, that might justify designating a fifth member in order to accurately reflect the geographical distribution of the regions represented by Committee members.

5. His preference would be to increase the contact group to four members, who, once designated, would choose a coordinator amongst themselves.

6. Mr. NOBEL, on a point of clarification, said that the contact group's role was limited to ensuring liaison between the Committee and the Preparatory Committee for the World Conference; substantive decisions concerning the World Conference would be taken by the Committee and the open-ended sessional working group of the Commission on Human Rights.

7. He stressed that it was essential for the Committee to take its decision on the composition of the contact group unanimously or at least by consensus, in order to guarantee its effectiveness and cohesiveness.

8. Mr. YUTZIS pointed out that since its inception the open-ended sessional working group had been a forum for discussion which reviewed substantive issues relating to the World Conference and the Committee's participation in that Conference. The contact group on the other hand had a purely functional role, which was essentially to ensure follow-up of the work of the sessional working group on

the preparatory process for the World Conference and communicate to the working group the Committee's views on that process. It was important that that division of labour be maintained.

9. Mr. de GOUTTES welcomed the report by Mr. Valencia Rodriguez. If the Committee decided to increase the size of the contact group, the Committee would then have to take into account the need to respect the principle of fair geographical distribution amongst the regions, keeping in mind that the contact group would have to ensure liaison between the Committee and other bodies participating in the preparatory process to the World Conference, as well as with the regional groups. If the Committee decided to expand the of members of the contact group, it should probably increase the number of members to five so that each region would be represented.

10. Mr. ABOUL-NASR stressed that the main tasks of the contact group, according to its mandate, were to collect information on preparations for the World Conference and to report to the Committee on that matter. Any Committee member could therefore be a member of the contact group and there was no need to take into account the principle of fair geographical distribution. Committee members could therefore take a decision on the proposal to nominate a five-member contact group, as suggested by Mr. Valencia Rodriguez.

11. Mr. FALL regretted that the Committee was spending so much time on the question at hand. It should limit itself to the original aim, of naming a replacement for Mr. Garvalov. The contact group's mission would be unchanged and there was no need to discuss it.

12. Mr. RECHETOV also regretted that the Committee was spending so much time on that issue. He nevertheless supported the proposal made by Mr. de GOUTTES that the composition of the contact group should reflect the principle of fair geographical distribution in order to guarantee that all States parties, in particular those which had been created recently in Central Asia after the break-up of the Soviet Union, would also receive information on the preparatory process for the World Conference.

13. After a show of hands, the CHAIRMAN said he took it that a majority of the Committee wished the contact group to continue to be composed of three members.

14. It was so decided.

15. Mr. YUTZIS, seconded by Mr. FALL, Ms. McDOUGALL, Mr. de GOUTTES, Mr. NOBEL, Mr. RECHETOV, Mr. LECHUGA HEVIA and Mr. SHAHI, moved that, in particular because of the symbolic value of the venue of the World Conference, Ms. January-Bardill, a citizen of South Africa, be appointed to the contact group.

16. Mr. ABOUL-NASR, speaking on a point of order, said that the Committee should not appoint a third member to the contact group but should reappoint the members of the group as a whole. He stressed the need to ensure that there was a balance within the contact group not between regions but between the experienced and inexperienced members of the Committee.

17. Mr. NOBEL, in response to the proposal made by Mr. Aboul-Nasr concerning the reappointment of the contact group as a whole, objected that there had never been any question of dissolving the group, but simply of choosing a member to replace Mr. Garvalov. If the Committee decided to follow Mr. Aboul-Nasr's suggestion, it risked giving the unfortunate impression that the current membership of the contact group did not have the confidence of the Committee. He believed that the composition of the contact group reflected a balance of experience among the three members and was of the opinion that there should be no change.

18. Mr. ABOUL-NASR accepted the arguments put forward by Mr. Nobel.

19. The CHAIRMAN suggested that the Committee should endorse the composition of the contact group and the arrangements for chairing it.

20. It was so decided.

Contribution of the Committee to preparations for the World Conference (continued)

21. Mr. GAHAM, (Representative of the High Commissioner for Human Rights) took a place at the Committee table.

22. The CHAIRMAN recalled decision 5 (55) concerning the World Conference in which the Committee at its fifty-fifth session had decided, with a view to meeting the needs of the Preparatory Committee and the World Conference, to prepare, with the assistance of the Office of the High Commissioner for Human Rights, materials which would include a reference document containing its decisions concerning early warning and urgent procedures and its latest concluding observations on each State party; information about States parties which have amended their constitutions, legislation, and judicial and administrative practices or which have introduced special legislation with a view to implementating the Convention; a list of States parties which had made a declaration under article 14 of the Convention and a list of States parties which had made reservations upon ratification of or accession to the Convention.

23. The Committee had also decided, with the assistance of the Office of the High Commissioner for Human Rights, to make an assessment of the best practices adopted by States parties in combating racial discrimination based on States parties periodic reports, its own practice and information received by the High Commissioner in response to the questionnaire transmitted to States Members of the United Nations in implementation of Commission on Human Rights resolution 1999/78.

24. Finally, the Committee had decided to establish contacts, through the Office of the United Nations High Commissioner for Human Rights, with the regional mechanisms which would be meeting to make their contributions to the preparation of the World Conference, and to maintain those contacts as needed (A/54/18, para. 574).

25. He also recalled Commission on Human Rights resolution 1998/26 in which the Commission invited the Committee to give high priority to the preparatory process for the World Conference and present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and at the Conference itself.

26. The documentation provided for in decision 5 (55) had been prepared. However, it was his understanding that all measures had not been taken to submit it to the Preparatory Committee for the World Conference at its meeting to be held in May 2000.

27. He also indicated that noteworthy studies authored by various members of the Committee had been submitted to the Preparatory Committee for the World Conference and members of the Committee had suggested that the Committee prepare, with the World Conference in mind, studies on contemporary forms and manifestations of racial discrimination in each geographical region, based on the results of the review of the periodic reports presented to it by States parties to the Convention.

28. He also took it that Committee members wished to make further proposals, given that the Committee was the treaty body whose mission most closely corresponded to the issues which would be reviewed during the World Conference. It must therefore play a particularly active role in the preparatory process for that Conference.

29. Mr. VALENCIA RODRIGUEZ said that the Committee had contributed to the preparations for the Conference in various ways: it had adopted two decisions, some of its members had prepared studies on specific subjects and others had cooperated with members of the Sub-Commission on the promotion and protection of human rights in preparing documents for the Conference, while a further group had participated in two expert seminars, the first relating to human rights, refugees and multi-ethnic States, held in December 1999, and the other to remedies available to victims of racism, which had taken place in February 2000.

30. He proposed that by way of an additional contribution the contact group prepare a document containing a summary of the Committee's work, i.e. its recommendations and general conclusions, various studies and the compilation drawn up by the Office of the High Commissioner for Human Rights. It was particularly important to reaffirm in the document the significance attached by the Committee to early-warning measures and urgent action procedures, designed to bring to the attention of the Security Council, through the Secretary-General, the racial or ethnic conflicts endangering international peace and security, so that the Security Council could take appropriate measures. The draft of the document could be examined by the Committee at its next session and, once the document was approved, presented to the Conference via its Preparatory Committee.

31. Mr. BANTON recalled the suggestion he had made during the visit by the High Commissioner (CERD/C/SR.1386, para. 18) concerning the need for the Conference to take account of the regional dimension. In that regard, the holding of preparatory regional meetings was an innovation of major importance. It would be desirable for the contact group to express the Committee's view that each region was responsible for defining its specific problems in relation to the application of the Convention.

32. Mr. de GOUTTES said that with regard to the contact group's working methods, he fully supported the suggestions made by Mr. Valencia Rodriguez. During the High Commissioner's visit, he had also expressed the wish that two Committee members, one of them a member of the contact group, be invited to the meeting in May 2000 of the Conference's Preparatory Committee (CERD/C/SR.1386, para. 21).

33. In essence, two points were worthy of particular note: firstly, emphasis should be placed on the prevention procedure which was specific to and had been created by the Committee, the usefulness of which was unanimously acknowledged, including by the General Assembly. In that context, it appeared to be essential for the Committee to reach prompt agreement on a draft declaration concerning emergency situations.

34. Another very important aspect was the participation of Committee experts in the regional seminars organized as part of the preparations for the World Conference. Certain Committee members had already attended the two seminars mentioned by Mr. Valencia Rodriguez, in December 1999 and February 2000. The secretariat should distribute to all Committee members the documents produced at the seminars.

35. Mr. GAHAM (Representative of the High Commissioner for Human Rights) believed that it had been clearly indicated that the Committee would be represented by a single member at the may 2000 meeting of the World Conference Preparatory Committee. Owing to the specific nature of the work done by the Committee on the Elimination of Racial Discrimination, the possible participation of a

second Committee member had in fact been discussed, but thus far no decision had been taken on the matter: it would all depend on the contributions received by the Office of the High Commissioner for Human Rights.

36. The participation of Committee members in regional seminars, participation could not, unfortunately, be systematic. The choice of the experts invited to the seminars was governed by regional considerations, and as a rule two experts were nominated for each region. Committee members could not therefore be invited on each occasion.

37. Mr. ABOUL-NASR also expressed support for the suggestions made by Mr. Valencia Rodriguez concerning the contact group's working methods and the remarks made by Mr. Banton concerning participation in the preparatory work at the regional level. In that regard, he proposed that Mr. Fall be given special responsibility for contacts with Africa.

38. With regard to participation in expert seminars, he expressed surprise that he had not even been informed of the latest seminars which had taken place, let alone be invited to participate in them in his capacity as Committee Chairman at the time. He considered that when a member of the Committee participated in an expert meeting, the Chairman should at least be informed accordingly.

39. He asked the Secretariat to specify which Committee members had participated in the meetings in question.

40. Mr. GAHAM (Representative of the High Commissioner for Human Rights), on a point of procedure, recalled that the secretariat could only intervene when invited to do so by the Chairman.

41. Responding to the request by Mr. Aboul-Nasr, he indicated that the experts who had participated in the seminars were Mr. Nobel, Mr. de Gouttes, Mr. Valencia Rodriguez, Mr. Yutzis and Ms. McDougall. All the experts had been freely at the time and had been invited in a personal capacity. The activities organized as part of the preparations for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance were at the request of the General Assembly or the Commission on Human Rights, in relation to subjects chosen by those two bodies. It was not therefore possible to consult the Committee either on the subjects to be discussed, or on the people to be invited. In the last instance, the Office of the High Commissioner for Human Rights was responsible for organizational matters. Although the contribution of Committee members as specialists on racial discrimination was highly appreciated, they could be invited only in a personal capacity.

42. The CHAIRMAN assured the representative of the High Commissioner for Human Rights of his full cooperation. He would personally do everything his power to facilitate preparations for the Conference by responding, within the limits of his mandate, to requests made to him.

43. Mr. RECHETOV, on a point of order, said that the discussions on the Committee's participation in preparations for the forthcoming World Conference should not be reduced to a "private" exchange between the Chairman, the Representative of the High Commissioner and Mr. Aboul-Nasr. All Committee members should have the possibility to express their views.

44. The CHAIRMAN said that he would give the floor to Mr. Rechetov after the following speaker.

45. Ms. McDOUGALL also expressed support for the suggestions made by Mr. Valencia Rodriguez. More in-depth discussions should, however, be held on the content of the summary document to be submitted by the Committee to the Conference.

46. The remarks made by Mr. Banton on the importance of participation in regional preparations also appeared to be very relevant, be it in relation to participation in groups or expert seminars organized at the regional level, or to participation in regional preparatory committee meetings, to which CERD members could also make a useful contribution.

47. Mr. RECHETOV expressed satisfaction at Mr. Gaham's presence, which enabled the Committee to conduct a kind of direct dialogue with the Office of the High Commissioner, a fact which was greatly appreciated. As emphasized by Mr. Banton, regional preparations would play a major role in the success of the third World Conference, which should ideally impart fresh impetus to the fight against racism. The Preparatory Committee should, moreover, reflect on the way in which Governments should be involved in the process.

48. Much work was done in Geneva in the field of human rights, but it should be recalled that other United Nations bodies in other also dealt with those issues. He had had occasion to participate in a recent human rights seminar, held in Uzbekistan and sponsored by a United Nations department based in New York, which dealt more specifically with development. The department funded a human rights centre in Tashkent, whose activities covered the whole of central Asia.

49. He thanked Mr. Gaham for the clarifications he had provided but wished to know what had been meant by the explanation that Committee experts were invited to participate in certain meetings in a personal capacity. If Committee members were invited to those meetings, it was precisely in their capacity as Committee members and specialists on issues relating to racial discrimination. That being the case, it was quite natural for the Committee Chairman to be informed accordingly.

50. Mr. SHAHI supported the comments made by Mr. Valencia Rodriguez concerning the need to emphasize the urgent action procedure in the summary document to be drawn up by the contact group. The document could use the wording adopted in paragraph 2 of the Committee's Decision 5 (55), the beginning of which stated: "*Proposes* to the Preparatory Committee that it include in the agenda of the World Conference consideration of the problem of how the international community may prevent or mitigate mass and flagrant violations of the human rights of persons belonging to ethnic and racial groups and minorities...".

51. Mr. FALL said that he had followed carefully the explanations given by the Representative of the High Commissioner for Human Rights but that he nevertheless supported the comments made by Mr. Rechetov. Even if only as a matter of courtesy, the Chairman should be involved in choosing the members participating in the preparations for the Conference - as experts, of course, but also as Committee members.

52. The CHAIRMAN suggested that the contact group should draw up proposals, taking into account the decision to be taken at a later date, on the Group's new composition and to report back to the Committee at the earliest possible date so that the proposals could be examined at the current session.

53. He also believed that Committee members were unanimously in favour of the proposals made by Mr. Valencia Rodriguez and Mr. Banton, and therefore suggested that they be adopted.

54. It was so decided.

55. Ms. McDOUGALL pointed out that if the studies recommended by Mr. Valencia Rodriguez and Mr. Banton were to be prepared by the contact group, that would represent a not inconsiderable

additional workload in relation to what had originally been foreseen, and would also significantly increase the assistance required from the secretariat in carrying out the tasks entrusted to the Group.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Venue for the sessions of the Committee in 2001 (continued)

56. Ms. McDOUGALL said that the proposal to hold the Committee's August 2001 session in South Africa just prior to the third World Conference was particularly welcome: once in South Africa, Committee members would have the possibility not only to make contacts with Government representatives but also to contribute to the work of the drafting groups to be set up during the Conference. In that connection, Mr. Banton's idea of holding two-day thematic meetings was also a very interesting one. Those meetings could provide an opportunity for an exchange of views with the representatives of all those at the national or international level who, in addition to Governments themselves, active in protecting human rights and combating racism.

57. The CHAIRMAN confirmed the Committee's wish to hold the August 2001 session in South Africa.

58. Mr. GAHAM (Representative of the United Nations Office of the High Commissioner for Human Rights) said that he had just received from Headquarters in New York the response given on the matter by the Controller, according to which any expenditure resulting from the holding of Committee sessions away from Geneva could not be charged to the Organization's regular budget and should be met by the host country. He read out the original English version of the response: "The responsibility of the organization in providing services to CERD is limited to the provision of such services at - and related travel to - Geneva, the established headquarters of the Office of the High Commissioner. Any cost arising out of CERD meetings away from Geneva will not be borne by the regular budget and should, as provided in the General Assembly legislation governing the location of meetings, be met from the country who offers to host the meeting."

59. Mr. ABOUL-NASR asked whether the response also applied to the proposal to hold the Committee's fifty-eighth session in New York. If that were the case, that would indicate, on the part of the Controller, a regretable lack of knowledge of the Convention on the Elimination of Racial Discrimination, article 10 (4) of which provided that "the meetings of the Committee shall normally be held at United Nations Headquarters".

60 It was also regrettable that in his response, the Controller referred only to the regular United Nations budget, without taking into account the fact that the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be funded by a special budget. The extra cost resulting from the holding of the Committee's August 2001 session in South Africa could easily be charged to that budget.

61. Mr. YUTZIS pointed out that the Controller had provided a very bureaucratic response. He proposed that in order not to waste time, the response should not be debated but simply noted. It was preferable to make constructive proposals in order to find a solution.

62. The CHAIRMAN expressed agreement with Mr. Yutzis. Responding to the Representative of the High Commissioner for Human Rights, he asked what procedure had been adopted for the World Conference on Women, held in Beijing, which had allowed all the members of the competent committee to participate in the Conference. He also wished to know whether a response had been provided to the question raised by the Committee on the first day of the current session concerning the holding of its

fifty-eighth session in New York. Finally, as to the response of the Controller, he did not understand why the Controller had said that the secretariat could not meet the additional expenditure resulting from the holding of a Committee session in New York, since the Committee had not made any request of that kind. It was the Committee's responsibility to find the additional resources necessary.

63. Mr. GAHAM (Representative of the High Commissioner for Human Rights) said that he was obliged, in cases where a treaty body discussed an issue which might have financial implications, to draw the attention of the body's members to the implications in question so that the members were fully informed before taking a decision.

64. With regard to the World Conference on Women, it had been possible to hold that meeting in Beijing as a result of a decision of the Commission on Human Rights, which had adopted an appropriate resolution; the resolution had been endorsed by the General Assembly, thereby allowing the Conference to be funded.

65. Ms. RAADI (Coordinator of the international conventions team, Support Services Branch, Office of the High Commissioner for Human Rights), addressing the issue of holding a Committee session in New York, said that the Secretariat had assessed the financial implications of such a project at US$ 86,300 (document A/54/18/Add.1 of 17 November 1999).

66. Two issues remained to be resolved, however, following the decision taken by the General Assembly, i.e. that of the date of the session, insofar as it might prove impossible for Conference Services in NewYork to host a Committee session in March 2001, and also the question of meeting the extra expenditure involved in holding a Committee session in New York. Given that no funding had been included in the draft programme budget for the 2000-2001 biennium to cover such additional expenditure, the funding in question could be debited from the contingency fund. Furthermore, the only possible dates for holding the session were 8 to 26 January 2001. If the Committee decided to hold its fifty-eighth session between the proposed dates, the issue would again be brought to the General Assembly's attention the adoption of the Committee's next report and, in principle, there should be no financial problems in that regard.

67. The CHAIRMAN said that since the Committee had taken note of the financial implications of holding its fifty-eighth session in New York, it was able to adopt a decision on the matter.

68. Mr. ABOUL-NASR proposed that the Committee should hold its fifty-eighth session from 8 to 26 January 2001 in New York.

69. Following an exchange of views between Mr. YUTZIS, Mr. ABOUL-NASR, Ms. JANUARY-BARDILL and Mr. RECHETOV, the CHAIRMAN proposed that a vote should be taken on the proposal made by Mr. Aboul-Nasr.

70. It was so decided.

71. A show of hands was taken on the proposal to hold the Committee's fifty-eighth session from 8 to 26 January 2001 in New York.

72. The proposal was adopted by 14 votes to none, with 3 abstentions.

73. The CHAIRMAN asked the Secretariat to take the measures necessary to inform the concerned parties of the Committee's decision.

74. Mr. YUTZIS, explaining his position after the vote, said that he had abstained since the Committee had not taken account of the difficulties that some of the experts might encounter in participating in the session in question. Furthermore, he had never been very enthusiastic about holding of a Committee session in New York.

75. Mr. de GOUTTES, explaining his position after the vote, said that he had abstained because he was unsure whether he would be available between the proposed dates, but also for the sake of consistency. He had always supported the principle of keeping human rights-related activities in Geneva.

76. Mr. BRYDE, explaining his position after the vote, said that he had preferred to abstain, knowing very well that it might be difficult for him to attend the session in question.

The meeting rose at 1.05 p.m.

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1393rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 March 2000, at 3.30 p.m.

Chairman: Mr. SHERIFIS

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Tenth to twelfth periodic reports of Australia

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GE.00-41162 (E)

The meeting was called to order at 3.35 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Tenth to twelfth periodic reports of Australia (CERD/C/335/Add.2)

1. At the invitation of the Chairman, Mr. Luck, Mr. Ruddock, Ms. Duffield, Mr. Farmer, Mr. Sherwin, Mr. Vaughan, Mr. Hughes, Ms. Horner, Mr. Heyward and Mr. Choi (Australia) took places at the Committee table.

2. Mr. RUDDOCK (Australia) said that as Minister for Immigration and Multicultural Affairs, he was well aware that many of the areas of concern to the Committee were directly related to fields under his responsibility. He had been a member of Parliament for nearly 27 years, and had had a personal and continued interest in both human rights in general and in immigration and multicultural affairs in particular. Australians did not view immigration as simply a movement of people, but rather in the context of the country's human rights obligations, particularly in relation to refugees. The country had consistently made significant contributions to the resettlement work of the Office of the United Nations High Commissioner for Refugees (UNHCR). Australia also experienced economic migration and immigration for family reunification. Ultimately, when people came to a new country, the policies and programmes which helped them develop their lives in the new context were crucial to their success. The management of settlement programmes in a culturally diverse society was therefore of prime importance.

3. During his tenure as a member of Parliament he had served on the Standing Committee on Aboriginal Affairs of the House of Representatives and on other committees dealing with Aboriginal rights. More recently, the Prime Minister had asked him to assist in the Government's work on reconciliation, a very important matter involving all Australians in an effort to look at less satisfactory aspects of their shared history so as to see how they could move forward together. The day of Australia's presentation of its report coincided with the International Day for the Elimination of Racial Discrimination, which had been designated in Australia as national Harmony Day, an event aimed at reinforcing the concepts of frankness, fairness, tolerance, humanity and mutual respect, the very principles upon which the Convention was founded. The Australian Government had adopted an education programme called Living in Harmony to address those issues, and had designated 21 March as a national day for celebrating and reflecting upon the country as a harmonious and culturally diverse nation.

4. The periodic report underlined the country's commitment to those principles, and outlined in detail the programmes undertaken to promote an inclusive and multicultural society, which served the interests of all citizens and directly addressed the issues of racial discrimination and equality. Although the report provided no more than a snapshot of the Government's policies and the various initiatives undertaken, the Government was committed to ensuring equality and combating the evil of racial discrimination. Those aims were actively pursued through a process of consultation aimed at changing unacceptable attitudes and resolving the problems of the past.

5. The report reflected not only the federal Government's commitment to combat racism, but also that of the constituent states and territories. It also expressed the views of Australian non-governmental organizations (NGOs) which had cooperated in its preparation. The state and territorial governments and NGOs would be taking part in the follow-up to the Committee's work as well. The view of the federal Government was that the problem of racism could not be tackled by government policies alone, but required extensive consultation and the involvement of the broader community. The report represented a comprehensive record of Australia's efforts in that regard.

6. Australia had always taken its commitments to human rights very seriously. It had recently led an international force to East Timor to restore stability after human rights abuses had been committed following the vote for independence. The Government had also ensured a humanitarian response during the crisis, for example by evacuating some 1,800 people under safe haven arrangements from the United Nations compound in Dili. Notwithstanding the geographical distance from the Balkans, Australia had taken in some 4,000 Kosovo Albanian refugees over and above the normal humanitarian refugee allotment of 12,000 admissions per year of people at risk. During his recent visit to Australia, the United Nations Secretary-General had noted that Australia was a model member of the Organization and could be justifiably proud of its international record of close cooperation with the United Nations. The submission of the tenth to twelfth periodic reports was yet another demonstration of the country's commitment to human rights.

7. Multicultural Australia was built upon the foundations of the country's first peoples, the Aboriginal and Torres Strait Islander peoples, who were among the oldest civilizations in the world. More recently there had been successive waves of immigrants from about 130 different countries. Historically, it was clear that Australians had not always fully appreciated the benefits of cultural diversity, and government practices and policies had not always adequately reflected that diversity. In the early part of the twentieth century the Government had adopted policies which would today be rejected out of hand, and which in any case would not be sustainable. However, as Australian society and culture changed rapidly after World War II and especially over the last 25 years, successive Governments had moved to adjust their policies so as better to reflect a culturally diverse society and to promote harmony among different groups. The positive ideal which the Government pursued included respect for the peoples of all cultural backgrounds and left no place for racist attitudes and behaviour.

8. The Government had recently adopted a new National Agenda for Multicultural Australia, which emphasized those factors that united all citizens: a desire for social harmony, the benefits of diversity, respect for other cultures and the ideal of equal opportunity for all Australians, regardless of background. As part of the Agenda, the federal Government worked with local governments, the private sector and the broader community. Public information strategies made use of the Internet to raise awareness and understanding of cultural diversity. To assist the Government in implementing the Agenda, a Council for Multicultural Australia had recently been established, with responsibility for promoting harmonious community relations, assisting in coordinating policies and programmes and raising awareness of the economic and social benefits of cultural diversity.

9. The successful implementation of the national anti-racism campaign Living in Harmony, also reflected Australia's commitment to multiculturalism. That campaign was a community-based education programme which made use of community grants and special initiatives to reinforce harmony among individuals and different cultural groups, including the first peoples, Australia's indigenous nations. A great deal of research had been carried out prior to the implementation of the programme in order to determine how best to influence people's attitudes. It had been ascertained that it was preferable to build on the positive values already inherent in society, such as tolerance and harmony, as a means of achieving greater acceptance by a broad range of public opinion.

10. As Minister for Immigration and Multicultural Affairs, he was proud to say that over 10 per cent of the grants disbursed under the community grants programme had been allocated to indigenous organizations. The past treatment of Australia's indigenous peoples was one of the greatest blemishes of Australian history. The doctrine of terra nullius had been used to deny indigenous land rights, and indigenous peoples had suffered many injustices in past generations. While it was impossible to undo the wrongs of the past, the Government was committed to addressing the current unacceptable level of disadvantage among indigenous groups, a problem which would take some time to overcome.

11. At the same time it had to be admitted that, while some improvements had been made, they were not enough. The Government believed that practical measures could lead to better results, and had targeted the fields of health care, education, housing, employment and economic development opportunities as priorities. Despite claims to the contrary, Government financing of such programmes had increased in recent years, and had grown since the writing of the report from $A 1.8 billion to $A 2.2 billion. Of course, money alone could not solve the problem, as individuals and communities had to take some responsibility for their own welfare; they needed to have the chance to claim success or to learn from failure. The Government, while maintaining support programmes, had made efforts to empower Aboriginal and Torres Strait Islander peoples to overcome the legacy of Australia's past and to eliminate the need for welfare support, notably by improving their economic development prospects in order to build their own future. One of the tangible demonstrations of such empowerment was the presence in the public gallery at the Committee session of representatives of those groups, which reflected their self-confidence, the tremendous support they received and their undoubted capacity to put forward their points of view.

12. In August 1999, in a sincere effort to empathize with the problems faced by the indigenous peoples, Parliament had passed a motion reaffirming its commitment to reconciling the interests of Australia's indigenous and non-indigenous peoples. In his Federation address of 18 January 2000, the Prime Minister had also renewed the Government's commitment to ensuring the lasting reconciliation of all Australians. That would be achieved through an on-going process which required a meeting of hearts and minds in order to effect lasting change.

13. Turning to the area of native title, he noted that in August 1999 the Committee had expressed some concerns about the Amended Native Title Act. The Wik decision by the High Court in 1996 had created a great deal of uncertainty and placed the Government in a difficult position, since according to that ruling large areas of the Australian continent, much of it privately owned, could conceivably be considered to be indigenous land. As it was unrealistic

for the issue of native title to be addressed on a case-by-case basis in claims under common law title brought before the courts, the Government had been forced to deal with the issues raised by the High Court's decision. Following an especially rigorous democratic process of public consultations involving all groups, including indigenous peoples, the House of Representatives and the Senate, where the Government did not have a majority, passed the Native Title Amendment Act 1998, which sought to balance the interests of the different tiers of government, miners, pastoralists and indigenous peoples.

14. The Act preserved the principles of the original Native Title Act 1993. Any perception that the Amendment Act represented a regression in terms of native title land rights was erroneous. In fact, 15 per cent of the continent was under indigenous ownership or control, including 42 per cent of the Northern Territory, and the national programme of land purchases for indigenous purposes, begun 25 years before, had spent large sums at both the Commonwealth and state levels. In addition, under the new legislation, 79 per cent of the continent could potentially be claimed by indigenous peoples. The Amendment Act, in force for more than a year already, was working effectively and fairly and was a reflection of the Government's recognition of the vital connection between indigenous peoples and the land.

15. Mr. HUGHES (Australia) recalled that Australia had a wide range of cultures and religions. The population had in fact doubled during the previous 50 years, largely as a result of immigration. In order to ensure the equitable participation of all in Australian society, the Government had pursued a policy of multiculturalism based on respect for cultural diversity and equality of opportunity. That policy was supported by an institutional framework at the federal level, which included a Charter of Service for a Culturally Diverse Society, comprehensive migrant and refugee settlement programmes offering language training and translation services, funding to community organizations providing support for immigrants, and specialized services catering to the needs of humanitarian entrants. In addition, national multi-language television and radio broadcasting services were available and programmes had been undertaken to encourage appreciation of social diversity and the benefits that flowed from it.

16. A number of specialized structures and services had been set up for indigenous people. For example, the Aboriginal and Torres Strait Islander Commission (ATSIC) was a unique structure which, although a government department, was controlled by an elected Aboriginal board; it managed half of the federal Government's Aboriginal-specific programmes. There were also special laws to protect indigenous culture and heritage and enable indigenous communities to claim or purchase land and there were special Aboriginal housing, health, education, employment and justice programmes, most of which were delivered through the network of more than 2,000 Aboriginal community-controlled organizations. There was also a commitment at the state, territory and local government levels to develop institutional frameworks and programmes which supported multiculturalism. Efforts to promote multiculturalism and a vision of society which reduced the scope for discrimination were of course backed up with anti-discrimination legislation and mechanisms

17. The federal Government had recently renewed its commitment to multiculturalism in the form of a New Agenda for Multicultural Australia launched in December 1999. The Agenda was being implemented through a practical plan of action, which would ensure that the Government dealt effectively with the issues arising from Australia's cultural diversity. A new

Council for Multicultural Australia, would assist with implementation. Along with the new Agenda, the federal Government had begun to implement its Living in Harmony initiative to help promote recognition of and support for community harmony and to challenge Australians to show that they could live in harmony despite their diversity. The initiative had three main components. First, the community grants programme gave community organizations the chance to design projects to address specific local issues; second, the partnership programme involved partnership between the federal Government and organizations and businesses to promote cultural diversity; third, a public information strategy sought to raise public awareness of multiculturalism, for example by declaring 21 March, the United Nations International Day for the Elimination of Racial Discrimination, Australia's national Harmony Day, during which Australians could celebrate diversity.

18. Australia's multicultural policy thus provided a very positive and constructive framework for dealing with residual racism and bigotry and was supported by a social infrastructure aimed at meeting the country's diverse challenges. The country would continue its efforts to build a harmonious and tolerant society and to minimize the scope for racist attitudes, views and behaviour.

19. Mr. VAUGHAN (Australia) noted that the two indigenous groups within the Australian population, the Aboriginals and the Torres Strait Islanders, made up 2.1 per cent of the Australian population, and were a diverse group ranging from those living a relatively traditional lifestyle in remote areas to those of mixed or distant ancestry living in metropolitan areas. The 70 per cent of Aboriginals and Islanders who lived outside major cities shared some of the same problems of access to services and facilities as the 37 per cent of non-Aboriginal Australians who lived in those same areas. The indigenous population was growing at double the rate of the general population (2.3 per cent), which placed heavy demands on housing and other services. That growth was driven by the higher birth rate of indigenous women but also by the high rate of intermarriage between indigenous and non-indigenous Australians. Children of such unions were entitled to be identified as Aboriginal.

20. The level of disadvantage experienced by the indigenous population of Australia was the legacy of the country's colonial history. The socio-economic status of the indigenous population was summarized in paragraph 60 of the report. Australian Governments, particularly since the 1970s, had been working determinedly to correct that situation. Laws had been passed to outlaw racial discrimination and promote equality of opportunity and treatment, establish indigenous decision-making structures, protect indigenous culture and heritage and enable indigenous communities to have access to and claim land. The federal Government had an array of such special laws and programmes, in addition to mainstream health, education and similar services available to indigenous Australians. Half of such programmes, on which federal spending had reached record levels, were controlled by the indigenous communities themselves through the Aboriginal and Torres Strait Islander Commission (ATSIC).

21. The federal Government had identified four core priorities for addressing indigenous needs. In the area of housing, the proportion of indigenous families who owned their own homes had increased from 24 per cent in the early 1970s to 33 per cent currently and the average number of persons per household had been reduced from 4.4 to 3.7. In the area of health, excessive tobacco and alcohol consumption and poor diet remained concerns, but federal

spending on indigenous health between 1996 and 2003 was scheduled to increase by 62 per cent. Indigenous infant mortality rates had been reduced from 20 times to just over twice the non-indigenous rate. The prevalence of trachoma had been substantially reduced and male death rates had been declining since the mid-1980s.

22. In the field of education, the proportion of indigenous adults who had never attended school had fallen from 14 per cent in the mid-1970s to 3 per cent currently. The proportion of indigenous children who had completed secondary education had increased from 8.6 per cent in the mid-1970s to approximately 33 per cent. The proportion of indigenous people with post-secondary qualification had doubled in the preceding decade and higher education enrolment had tripled over the same period. With regard to unemployment, lack of education and remote location were the two major contributing factors to high indigenous unemployment rates. However, one quarter of indigenous Australians in the labour force were involved in Community Development Employment Projects to acquire skills and experience for future employment. The proportion of indigenous Australians in vocational training courses had increased from 3.2 per cent in 1986 to 18 per cent in 1996 and the proportion of indigenous Australians in professional occupations had increased in that same period from 14.2 per cent to 22 per cent.

23. In the area of law and justice, although incarceration rates for indigenous people remained unacceptably high, that rate had fallen over the preceding five years. The number of Aboriginal deaths in custody was currently lower than the non-Aboriginal rate and Aboriginal Australians were receiving shorter sentences than non-Aboriginals for most criminal offences.

24. With regard to the question of land, native title was only part of a long-standing policy and legislative framework which enabled indigenous Australians to own land and assert their land rights. In fact, 15 per cent of the land already owned or controlled by indigenous peoples had been secured prior to and independently of the common law concept of native title, which had been recognized only since 1992. The federal Government had initiated a land purchase programme for Aboriginals in the early 1970s and from the mid-1970s federal and state authorities had legislated the return of certain Crown lands to Aboriginal peoples and allowed claims to other such lands. For example, 42 per cent of the Northern Territory was either owned or controlled by Aboriginals, including mining rights, and Aboriginal land owners in the Territory were receiving payments and royalties from mining operations.

25. Ms. HORNER (Australia) noted that in its Decision 2 (54) of March 1999 the Committee had expressed concern over the perceived "winding back" of the protections contained in the Native Title Act 1993 and the "lack of effective participation by indigenous communities" in the formulation of the Native Title Amendment Act 1998. She stressed that the Australian Government was committed to meeting its Convention obligations and recognized that the unique circumstances of the indigenous people required particularly careful consideration.

26. The amended Act contained extensive provisions which recognized the unique nature of native title rights and went beyond the requirements of formal equality. Those provisions were of three types. The first recognized and protected native title; examples included a prohibition on the extinguishment of native title except by agreement or by non-discriminatory compulsory acquisition subject to just compensation; a rule that native title could be only temporarily

affected by government acts, for which compensation was payable; and Government funding of special tribunals to deal with native title questions and indigenous organizations to assist native title holders. The second type of provision addressed the special features of native title, including special rights to ensure that there was consultation about mining and other activities on native land, procedural rights for those who claimed native title as well as those whose title had been established by the courts, and an emphasis on negotiated and mediated agreements which gave special statutory status to native title holders and provided them with legal certainty and protection. The third type of provision addressed historical extinguishment of native title rights, including the restitution of those rights on land where native title had been historically extinguished and a rule that native title was only suspended, not extinguished, by mining leases. Furthermore, the Indigenous Land Corporation, set up by the Commonwealth Parliament and funded by the Government, continued to acquire land for indigenous Australians.

27. The Government had felt obliged to act in response to the High Court's Wik decision. The Native Title Act 1993 had not provided for the possibility that native title could exist on pastoral leases. Failure to remedy that problem would have been irresponsible and would have led to further uncertainty for both indigenous and non-indigenous Australians. Leaving issues to be determined by common law would have resulted in extensive litigation and would have left native title more vulnerable to extinguishment than was the case under the Native Title Amendment Act 1998.

28. In her Government's view, the four provisions noted by the Committee in its Decision 2 (54) (para. 7) of March 1999 as discriminating against indigenous title holders, namely the validation, confirmation of extinguishment and primary production provisions and the changes to the right to negotiate, had been justifiable and proportional in the particular circumstances and were not inconsistent with the Convention.

29. It was worth noting that earlier in the month, the Full Federal Court, in a decision on the Miriuwung Gajerrong case, had upheld the legal basis on which the confirmation provisions had been formulated in the 1998 amendment. Based on that decision, there was no evidence to support the suggestion that the confirmation provisions went further than the common law. Moreover, prior to the amendment's enactment in July 1998, there had clearly been effective participation by indigenous representatives in the form of direct consultations with the Government and negotiations with the parties concerned, which had had a considerable impact on the amendment. The amended Act had been the subject of 18 months of intensive public scrutiny, three separate parliamentary inquiries, at which indigenous representatives had given evidence, and more than 100 hours of consideration in Parliament.

30. The Native Title Amendment Act had been in force for 18 months, and many of the concerns expressed during debate on the amendment had proved unwarranted. The improved registration test, while imposing a higher threshold to access negotiation rights, had reduced the number of contested claims. As at 10 March 2000, 95 per cent of native title applications submitted since the amendment had come into force in September 1998 had passed the new registration test. Even if a claim was not registered, it would still be ruled on in the courts. There were currently 563 native title claims active nationally that were under the management of the Federal Court and subject to mediation by the National Native Title Tribunal. There had

been 10 native title decisions to date; importantly, 5 of those had been settled by agreement between the native title holders and the Government of the relevant state or territory or other parties.

31. The amended Act emphasized a non-adversarial, practical approach to resolving native title issues. The reduction of 21 per cent in the number of native title applications pointed to more credible claims being submitted and to a consolidation of applications by the Federal Court, as well as to the many voluntary combinations of claims made by native title applicants themselves. That was not necessarily a reduction in the area covered by the applications, but in the number of overlapping claims.

32. The amendment had encouraged the conclusion of indigenous land use agreements as an alternative to the statutory regime. Such agreements were proving popular, six having already been registered by the end of February 2000; another six had been submitted for registration, and many others were under negotiation.

33. Since the Committee's meeting in August, discussions had also begun between the South Australian Government and indigenous representatives on a regional agreement between that government, indigenous representatives and pastoral and mining interests. The agreement would be made under the Indigenous Land Use Agreement provisions of the Act but would operate in parallel to the Act's provisions. It was open to the Commonwealth to participate in those discussions.

34. One issue of concern to the Committee had been the possibility of extinguishment of native title rights under the amended Act. In the 18 months since the amended Act had come into force, there had been no evidence that the validation or confirmation provisions had resulted in any permanent extinguishment, for example through claims for compensation or a court decision. During that period, many indigenous representatives had made extensive submissions on how the amended act was functioning. Over the past six months, the Attorney-General and the Leader of the Government in the Senate had met with indigenous representatives in Queensland and the Northern Territory to discuss those issues, and discussions with representatives in other states was likely in the near future. Commonwealth officials had also held extensive talks with indigenous representatives and ATSIC on a range of matters relating to the operation of the amended Act.

35. The Parliamentary Joint Committee on Native Title, whose mandate had been extended by five years under the 1998 amendment, was empowered to review and report to the Commonwealth Parliament on the Act's implementation. Moreover, information from ATSIC, the Federal Court and the National Native Title Tribunal, as well as information and advice from indigenous representatives and the Parliamentary Joint Committee, was helping the Government monitor implementation of the Act.

36. The amended Act had come about through careful consideration of often-competing rights in the aftermath of an unexpected court decision. The initial evidence bore out her Government's view that, given a reasonable chance to work, the amended Native Title Act could achieve fair results.

37. Ms. McDOUGALL (Country Rapporteur) thanked the Australian delegation for its comprehensive report and in particular for information on compliance at the level of states and territories. The large delegation showed how seriously Australia took its obligations under the Convention.

38. She noted that the two groups most affected by racial discrimination in Australia were the indigenous and migrant communities, which suffered for reasons of ethnic background, national origin and colour; yet despite the Committee's earlier request for more information, the twelfth periodic report (CERD/C/335/Add.2) failed to give sufficient details of how the situation had improved for the migrant population. She was also concerned about the full integration of women's rights in the context of the Convention and would welcome any information on how racial discrimination affected the situation of indigenous women, women refugees and women migrants.

39. In deciding to examine Australia's twelfth periodic report at the current session, the Committee did not intend to set aside the review of the situation in Australia under the early warning procedures, which it had initiated in its Decision 2 (54) of March 1999. In Decision 2 (55) of August 1999, the Committee had reaffirmed that position and decided that it would continue consideration of the matter together with the State party's twelfth periodic report at the current session. The issues raised at those two decisions remained of utmost concern.

40. Beginning with the implementation of article 2 of the Convention, she commended the Australian Commonwealth and the governments of the states and territories of Australia for enacting an impressive array of laws and setting up a large number of bodies and programmes to combat racial discrimination. She had only a few specific questions regarding implementation of article 2. In the view of the State party, did the Convention establish a legal duty to ensure formal equality with regard to the rights of historically disadvantaged racial and ethnic groups that still suffered from those inequalities, or did it introduce an obligation to achieve equality in practice? Did the State party consider that the Convention imposed obligations that were absolute, or did it believe that it had a "margin of appreciation"?

41. She was concerned that there was no specific prohibition of racial discrimination in Australian law. The Commonwealth could override the protection under the Racial Discrimination Act simply by passing subsequent legislation. That problem had been seen in connection with the amendment to the Native Title Act. On the other hand, she noted that the Social Security Legislation Amendment Act contained a provision specifying that new legislation must be interpreted subject to the provisions of the Racial Discrimination Act. If the Racial Discrimination Act was overridden, did that amount to a repudiation of the State party's obligations under the Convention?

42. She sensed a reluctance to take steps to ensure the harmonious implementation of the provisions of the Convention at federal, state and territory levels. That point had been raised when considering Australia's ninth periodic report. The discriminatory impact of law in the states and territories on matters for which they had primary jurisdiction, for example social programmes, remained a matter of serious concern.

43. In considering Australia's ninth periodic report, the Committee had welcomed the establishment of ATSIC and the Human Rights and Equal Opportunity Commission (HREOC), but changes, either implemented or under discussion, to the functioning of those institutions might have an adverse impact on their work. ATSIC served the needs of the Aboriginal community in negotiations with the Government, and she wondered whether it was not being disempowered.

44. Turning to implementation of article 4, she asked to what extent the Racial Hatred Act fulfilled the State party's obligations under paragraphs (b), (c) and (d) of that provision. How was Australia dealing with the presence in the country of organizations which openly espoused racial hatred?

45. She welcomed the increase in government resources for activities to address the social and economic disadvantages of the indigenous community. Were government programmes being monitored to see whether they were truly designed to meet the particular needs of the indigenous population and overcome a history of institutional racial discrimination? Why had a country with Australia's resources been unable to ensure that a community representing less than 2 per cent of the population had a decent standard of living?

46. With regard to implementation of article 5, the Royal Commission of Inquiry into Aboriginal Deaths in Custody (RCIADIC) had found that the degree of overrepresentation of Aboriginal persons in custody was 29 times that of non-Aboriginals and concluded that that was due above all to the disadvantaged and unequal position in society of that population group. She noted that the Government had accepted 338 of the Royal Commission's 339 recommendations and allocated $A 400 million to implement them. Yet despite that commitment, the total number of Aboriginal deaths in custody had increased. According to an independent study, there was no evidence to bear out assertions by state and territory governments that they had implemented those recommendations, and those authorities had taken legislative actions not envisaged in the recommendations which had led to an increase in Aboriginal imprisonment. The Royal Commission had recommended non-custodial strategies, particularly for juveniles, yet juvenile Aboriginal incarceration rates had remained disproportionately high. Much of that increase had been attributed to mandatory sentencing laws currently in place in at least one state and one territory, as well as limited non-custodial options. Even the Attorney-General of Victoria had stated that he planned to raise the issue at the State/Commonwealth Attorneys-General meeting, because in his view mandatory sentencing was racist and unethical and deliberately targeted a particular group in the community.

47. She noted that in the Northern Territory, Aboriginal people accounted for 25 per cent of the overall population and 32 per cent of the population in the age group 12 to 25, yet 76 per cent of all adults in custody there were of Aboriginal origin, and 73 per cent of those in juvenile detention were indigenous persons. The most common offences were those which resulted in the mandatory sentence. The same situation existed in Western Australia. Did the State party agree with the finding of a government committee that mandatory sentencing had a discriminatory impact on indigenous people and was inconsistent with articles 2 and 5 of the Convention? Why was the federal Government's power to override laws passed in states and territories not being used?

48. Although there was a programme to guarantee interpretation in courts to non-English speakers, it was not readily available to the Aboriginal community. Could the delegation provide information on such services?

49. With regard to the amendment to the Native Title Act 1993, she reminded the delegation that in its Decision 2 (54) of March 1999, the Committee had urged the Australian Government to suspend implementation of the amendments and to reopen negotiations with representatives of the indigenous community to find a mutually acceptable solution that would meet the requirements of the Convention. That position had been maintained in Decision 2 (55) of August 1999, although it had been decided to continue monitoring the situation under the Committee's early warning and urgent action procedures, in connection with the consideration of the tenth, eleventh and twelfth periodic reports. In the meantime the Committee awaited with interest the outcome of the deliberations of the Parliamentary Joint Commission on Decision 2 (54).

50. Although it was too early to assess the full impact of the amendment to the Native Title Act, certain worrying trends had begun to emerge, including the introduction of legislation which restricted the ability of native title holders to negotiate over land use, or else replaced it with a lesser right of notification and consultation. Through a loophole in legislation, such provisions had been enacted in two regions with large indigenous populations, the Northern Territory and the State of Queensland. Moreover, such legislation was not subject to the provisions of the Racial Discrimination Act. In effect responsibility for many native title matters was being delegated to state or territorial authorities. She would welcome further clarification on those points.

51. Since the main advantage of the cumbersome registration procedures involved in native title claims was the right to negotiate, it was highly regrettable that such a right could now be denied under state and territorial regimes. She welcomed the news from the delegation that a fairly high percentage of claims had been successfully registered, which was rather surprising given that many applicants did not have proper legal representation. Had there been any complaints in that connection?

52. She sought confirmation that under new legislation in Western Australia the native title on at least 1,300 grants had been extinguished under the confirmation of extinguishment regime, and, moreover, that the scope of the legislation had been extended to include land where there were public works. Seemingly schemes implemented under the 1998 Amendment Act effectively enabled state and territorial authorities to take action which would otherwise have required the prior consent of native title holders.

53. As far as the reconciliation process was concerned, she recalled that 1 in 10 indigenous persons in Australia over the age of 25 had been forcibly removed from his or her family as a child. To what extent had the recommendations issued as a result of the national inquiry into the separation of those families been followed up? Also, why was it apparently so difficult for the Australian Government to take full responsibility and apologize for the actions of its predecessors? What Government activities had been undertaken as part of the reconciliation process and had any criteria been established for assessing when the process would be complete?

Was the indigenous community involved in the process through consultations and negotiations? In her view, true reconciliation could not be achieved without the agreement of all parties concerned.

54. Would the Australian Government pay heed to recommendations contained in the report by the inquiry commission chaired by Ms. Elizabeth Evatt? In conclusion, referring to the delegation's earlier remarks about the importance of the indigenous community being well and expertly represented in order to put forward its views, she wondered why not one single member of the delegation before the Committee was of indigenous origin.

55. Mr. DIACONU welcomed the establishment in Australia of institutions with appropriate policies and programmes on racial discrimination targeted mainly at the Aboriginal and Torres Straight Islander population. It was also encouraging to hear of the growth of the Aboriginal population since 1991 and that the trend was likely to continue in future. However that would place greater obligations on the Australian Government arising from the Convention relating to judicial matters, health, education, employment and land issues.

56. With regard to the latter, the Committee understood the rationale behind the National Title Amendment Act of 1998 but would like to know more about its consequences for the indigenous community. What was the outcome of the regime of confirmation? How many titles had been confirmed as having been extinguished? Reference had been made to the extinguishment provision applying to some 21 per cent of the population, yet Aboriginals currently held around only 15 per cent of titles. How could that discrepancy be explained? Likewise what were the consequences of the provision on negotiation between title holders and others? Were agreements concluded thereunder and what if pastoralists refused to negotiate? Had any alternative regimes been established by the state and territorial authorities and, in the affirmative, to what effect? Had consultations been held with representatives of the indigenous communities with a view to reaching mutually acceptable arrangements on land issues?

57. Turning to judicial matters, he said that the fact that the services of interpreters were not universally available to members of the indigenous community during court proceedings was clearly discriminatory since it denied them the right to due process. There seemed to be a particularly high incidence of mandatory sentencing amongst Aboriginals in the Northern Territory. Moreover, recommendations by a royal commission into Aboriginal deaths in custody for the development of strategic plans had not been followed up by the authorities of the Northern Territory. What steps would the federal Government take to remedy the situation? He sought clarification regarding the system for mandatory sentencing applied in the Northern Territory. According to the Committee's sources, in the event of an infringement, failure to pay a fine within a given time-frame could result in a warrant of commitment and subsequent imprisonment. If such legislation existed, it should be reviewed as soon as possible and brought into line with international human rights agreements.

58. He would welcome more information on the introduction of legislation authorizing the building of the Hindmarsh Island Bridge, which would entail the destruction of a sacred Aboriginal site, as well as information on plans for uranium mines that were likely to pollute the environment in areas habitually inhabited by Aboriginals, such as Beverley in south-western Australia.

59. Australia was not the only State party to the Convention with a federal system of government, and that could not be used as a pretext for its failure to comply with the obligations under the Convention. Notwithstanding discrepancies existing in legislation between the different states and territories of the federation, it was the federal Government that was ultimately responsible for taking appropriate action to guarantee the implementation of the Convention. What exactly was meant by the statement in the report to the effect that an individual might choose to lodge a complaint under federal, state or territorial procedures? Did federal law take precedence over other legislation?

60. With regard to education, were the languages of the main immigrant communities (Italian, Serbo-Croat and Chinese) taught in schools?

61. The Committee maintained its recommendation with regard to article 4 (a) of the Convention, given the Australian Parliament's failure to endorse proposed amendments to the Criminal Code for the classification of racial vilification as a criminal offence.

62. Mrs. ZOU Deci said Australia's report was unnecessarily long and detailed on some matters, yet far too brief on others of particular interest to the Committee. More information should have been provided on the impact of the great variety of legislation in force and whether problems of racial discrimination still existed in the country. While she acknowleged that progress had been made over the years in terms of immigration policy, there were reports that some discrimination persisted against coloured people, especially with regard to employment and housing. The federal Government should make a greater effort to implement truly multiracial policies.

63. There was no reference in the report to the One Nation Party. Furthermore, she had been unable to obtain any information from the embassy in her country on the party's aims and principles. Surely under Australian law political parties had to submit their charter and manifesto when registering with the authorities? Since the party leader, Pauline Hansen, had recently stood for election, she must have had an election manifesto. The party advocated white supremacy and was opposed to the Aboriginal community and any further influx of coloured people into Australia. Xenophobic and racist tendencies, which were largely based on economic considerations, were on the rise worldwide - hence the organization of the World Conference against Racism. The fact that the leader of the One Nation Party had not been elected to power did not mean that the Australian Government could simply ignore the existence of such problems. To her knowledge, the party had not been disbanded.

64. Further areas of concern included the Native Title Amendment Act of 1998, which represented a regression in relation to the original Act. Also, according to information recently furnished by the Anti-Racist Information Service (ARIS), the leader of the Ku Klux Klan was scheduled to visit Australia, presumably not as a tourist. It was to be hoped that the Australian Government would continue to monitor all forms of racial discrimination existing in the country and would take appropriate counter and remedial measures.

65. Mr. RUDDOCK (Australia) reassured the Committee that no representative of the Ku Klux Klan had been granted a visa to enter Australia. There was a universal visa requirement for all visitors to the country, including United Kingdom citizens, and members of the Ku Klux Klan had been blacklisted.

66. Some Committee members seemed to be under the impression that the early warning and urgent action procedures in connection with the Native Title Amendment Act were still applicable to the Australian Government. However, in the light of the Committee's decision 2 (55) of August 1999, the Government had proceeded on the basis that such measures no longer applied and it would suffice for the Committee to be kept informed of relevant developments in periodic reports submitted on a regular basis.

The meeting rose at 6.05 p.m.